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Patent

240/182 (6646-108N5)

JC572 U.S. PTO
05/24/99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Anticipated Classification of this application:

Class _____ Subclass _____

Prior application: 08/485,113

Examiner: Woo, Stella

Art Unit: 2743

JC136 U.S. PTO
09/31/807
06/24/99

BOX PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

FILING UNDER 37 CFR 1.53(B)

This is a request for filing for a

☒ continuation ☐ divisional

application under 37 C.F.R. 1.53(b) of pending prior application Serial No. 08/485,113, filed on June 7, 1995, which is a continuation of application Serial No. 08/306,751, filed on September 14, 1994, which is a continuation of application Serial No. 08/047,241, filed on April 13, 1993, now U.S. Patent No. 5,351,285, which is a continuation of application Serial No. 07/509,691, filed on April 16, 1990, now abandoned, and a continuation-in-part of application Serial No. 07/640,337, filed on January 11, 1991, now abandoned, which is a continuation of application Serial No. 07/335,923, filed on April 10, 1989, which is a continuation of application Serial No. 07/194,258, filed on May 16, 1988, now U.S. Patent No. 4,845,739, which is a continuation-in-part of application Serial No. 07/018,244, filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of application Serial No. 06/753,299, filed on July 10, 1985, now abandoned, said application Serial No. 07/509,691 is a continuation-in-part of application Serial No. 07/260,104, filed on October 20, 1988, now U.S. Patent No. 4,930,150, which is a continuation-in-part of application Serial No. 07/018,244, filed on February 24, 1987, now U.S. Patent No. 4,792,968, which is a continuation-in-part of application Serial No. 06/753,299, filed on July 10, 1985, now abandoned, of

Ronald A. Katz

for: MULTIPLE FORMAT TELEPHONIC INTERFACE CONTROL SYSTEM

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' (Label No. EM 350823674US) in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

May 24, 1999
Date of Deposit

Connie Kwon
Connie Kwon

1. **COPY OF PRIOR APPLICATION AS FILED WHICH IS ATTACHED**

- ☒ The attached specification and drawings are substantially the same as what is shown in our records to be the above-identified prior application, including the oath and declaration originally filed.

The papers of the attached application and accompanying copies of originally filed documents include:

30 Pages of Specification
5 Pages of Claims
1 Pages of Abstract
5 Sheets of Drawings formal X Informal
2 Pages of Declaration and Petition to the principal attorney
2 Page of Power of Attorney by Assignee from Aldo Tesi
2 Pages of Power of Attorney by Assignee from Ronald A. Katz
2 Pages of subsequent Revocation and Grant of Power of Attorney

- ☒ In accordance with the indication required by 37 CFR 1.53(b), my records reflect that the original signed declaration showing applicant's signature was filed on April 3, 1990.
- ☐ The amendment referred to in the declaration filed to complete the prior application, and I hereby state, in accordance with the requirements of 37 CFR 1.53(b), that this amendment did not introduce new matter therein.

2. **INCORPORATION BY REFERENCE**

The entire disclosure of the prior application, from which a copy of the original oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

3. **AMENDMENTS**

- ☒ Cancel in this application original Claims 2-17 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. **INFORMATION DISCLOSURE STATEMENT**

☐ An Information Disclosure Statement, PTO 1449, and references are submitted herewith.

5. **PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME TO FILE AN AMENDMENT**

☐ There is provided herewith a PETITION FOR SUSPENSION OF PROSECUTION FOR THE TIME NECESSARY TO FILE AN AMENDMENT (NEW APPLICATION FILED CONCURRENTLY).

6. **FEE CALCULATION (including claims presented in Preliminary Amendment)**

BASIC FILING FEE:				\$760.00
Total Claims	1	- 20	= 0 x \$18	\$0.00
Independent Claims	1	- 3	= 0 x \$78	\$0.00
Multiple Dependent Claims			\$260 (if applicable)	
Surcharge 37 CFR 1.16(e)			\$130 (if applicable)	
TOTAL OF ABOVE CALCULATIONS				\$ 760.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.				
Misc. Filing Fees (Recordation of Assignment)				
TOTAL FEES SUBMITTED HEREWITH				\$760.00

☐ The fee for extra claims is not being paid at this time.

Filing Fee Calculation

7. **SMALL ENTITY STATUS**

☐ A Verified Statement to establish small entity under 37 CFR 1.9 and 1.27 is attached

☐ has been filed in the prior application and such status is still proper and desired. [37 CFR 1.28(a)]

Filing Fee Calculation (50% of above) \$0.00

8. **DRAWINGS**

[NOTE: DO NOT CHECK THIS IF PRIOR CASE IS NOT TO BE ABANDONED.]

- ☐ Transfer the drawings from the prior application to this application and, subject to Item 16 below, abandon said prior application as of the filing date accorded to this application. A duplicate copy of this request is enclosed for filing in the prior application file.
[May only be used if signed by (1) applicant, (2) assignee of record or (3) attorney or agent of record authorized by 37 CFR 1.138 and before payment of issue fee.]
- ☐ Transfer the following sheet(s) of drawings from the prior application to this application.
- ☒ New drawings are enclosed ☐ formal ☒ informal

9. **PRIORITY - 35 U.S.C. 119**

- ☐ Priority of application Serial No. _____ filed on _____ in _____ [country] is claimed under 35 U.S.C. 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

10. **RELATE BACK - 35 U.S.C. 120**

- ☒ Amend the Specification by deleting on page 1, lines 5-15, and inserting under the heading "Related Subject Matter" as follows:

—This is a continuation of Application Serial No. 08/485,113, filed on June 7, 1995, which is a continuation of Application Serial No. 08/306,751 filed on September 14, 1994, and entitled "Multiple Format Telephonic Interface Control System," which is a continuation of Application Serial No. 08/047,241 filed on April 13, 1993, and entitled "Multiple Format Telephonic Interface Control System," now U.S. Patent No. 5,351,285, which is a continuation of Application Serial No. 07/509,691 filed on April 16, 1990, and entitled "Multiple Format Telephonic Interface Control System," now abandoned, and a continuation-in-part of Application Serial No. 07/640,337 filed on January 11, 1991, and entitled "Telephonic-Interface Statistical Analysis System," now abandoned, which is a continuation of Application Serial No. 07/335,923 filed on April 10, 1989, and entitled "Telephonic-Interface Statistical Analysis System," which is a continuation of Application Serial No. 07/194,258 filed on May 16, 1988, and entitled "Telephonic-Interface Statistical Analysis System," now U.S. Patent No. 4,845,739, which is a continuation-in-part of Application Serial No. 07/018,244 filed on February 24, 1987, and entitled "Statistical Analysis System For Use With Public Communication Facility," now U.S. Patent No. 4,792,968, which is a continuation-in-part of Application Serial No. 06/753,299 filed on July 10, 1985, and entitled "Statistical Analysis System For Use With Public Communication Facility," now abandoned, said Application Serial. No. 07/509,691 is a continuation-in-part of Application Serial No. 07/260,104 filed on October 20, 1988, and entitled "Telephonic Interface Control System," now U.S. Patent No. 4,930,150, which is a continuation-in-part of Application Serial No. 07/018,244 filed on February 24, 1987, and entitled "Statistical Analysis System For Use With Public Communication Facility," now U.S. Patent No. 4,792,968, which is a continuation-in-part of Application Serial No. 06/753,299 filed on July 10,

1985, and entitled "Statistical Analysis System For Use With Public Communication Facility," now abandoned.—

11. INVENTORSHIP STATEMENT

☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 U.S.C. 120, the inventor(s) in this application is (are):

☒ the same

☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted:

[type name(s) of inventor(s) to be deleted]

☒ The inventorship for all the claims in this application are:

☒ the same

☐ not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made, is submitted.

12. ASSIGNMENT

☒ The prior application is assigned of record to Ronald A. Katz Technology Licensing, L.P.

Ronald A. Katz Technology Licensing, L.P.

Name of Assignee

9200 Sunset Boulevard, Suite 1005, Los Angeles, California 90069

Address of Assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO on September 26, 1994, Reel 7133, Frames 090-100

☐ An Assignment of the invention to _____ is attached.

13. FEE PAYMENT BEING MADE AT THIS TIME

☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR 1.16(e) can be paid subsequently.]

☒ Attached.

- ☒ Filing fee. \$760.00
- ☐ Recording assignment. [\$40.00 37 CFR 1.21(h)(1)]
Petition fee for filing by other than all the inventors or
person on behalf of the inventor where inventor refused
to sign or cannot be reached.
[\$130.00; 37 CFR 1.47 and 1.17(h)]
- ☐ Petition fee to Suspend Prosecution for the Time
Necessary to File an Amendment (New Application Filed
Concurrently.
[\$130.00; 37 CFR 1.103 and 1.17(i)(1)]
- ☐ For processing an application with a specification
in a non-English language.
[\$130.00; 37 CFR 1.52(d) and 1.17(k)]
- ☐ Processing and retention fee.
[\$130.00; 37 CFR 1.53(d) and 1.21(l)]

Total Fees Enclosed \$760.00

14. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of ____.
- ☒ Charge Deposit Account No. 12-2475 in the amount of \$760.00.

15. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to charge the following additional fees by this paper
and during the entire pendency of this application to Deposit Account No. 12-2475:

- ☒ 37 CFR 1.16 (filing fees)
- ☒ 37 CFR 1.16 (presentation of extra claims)
- ☒ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date
later than the filing date of the application)
- ☐ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37
CFR 1.311(b))

16. INSTRUCTIONS AS TO OVERPAYMENT

- ☒ Credit Deposit Account No. 12-2475.
- ☐ Refund

17. POWER OF ATTORNEY

- ☐ The power of attorney in the prior application is to
- ☒ The power of attorney in the prior application is to the registered attorneys listed below and members of or associates in the law firm of **LYON & LYON LLP**, 633 West Fifth Street, 47th Floor, Los Angeles, California 90071, Registration No. 11,611, whose members are registered to practice in the U.S. Patent and Trademark office:

Roland N. Smoot, Reg. No. 18,718
Conrad R. Solum, Jr., Reg. No. 20,467
James W. Geriak, Reg. No. 20,233
Robert M. Taylor, Jr., Reg. No. 19,848
Samuel B. Stone, Reg. No. 19,297
Douglas E. Olson, Reg. No. 22,798
Robert E. Lyon, Reg. No. 24,171
Robert C. Weiss, Reg. No. 24,939
Richard E. Lyon, Jr., Reg. No. 26,300
John D. McConaghy, Reg. No. 26,733
William C. Steffin, Reg. No. 26,811
Coe A. Bloomberg, Reg. No. 26,605
J. Donald McCarthy, Reg. No. 25,119
John M. Benassi, Reg. No. 27,483
James J. Shalek, Reg. No. 29,749
Allan W. Jansen, Reg. No. 29,035
Robert W. Dickerson, Reg. No. 29,914
Roy L. Anderson, Reg. No. 30,240
David B. Murphy, Reg. No. 31,125

James C. Brooks, Reg. No. 29,898
Jeffrey M. Olson, Reg. No. 30,790
Steven D. Hemminger, Reg. No. 30,755
Jerrold B. Reilly, Reg. No. 32,293
Paul H. Meier, Reg. No. 32,274
John A. Rafter, Jr., Reg. No. 31,653
Kenneth H. Ohriner, Reg. No. 31, 646
Mary S. Consalvi, Reg. No. 32,212
Lois M. Kwasigroch, Reg. No. 35,579
Lawrence R. LaPorte, Reg. No. 38,948
Robert C. Laurenson, Reg. No. 34,206
Carol A. Schneider, Reg. No. 34,923
Hope E. Melville, Reg. No. 34,874
Michael J. Wise, Reg. No. 34,047
Richard J. Warburg, Reg. No. 32,327
and
Reena Kuyper, Reg. No. 33,830

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in this application.
- ☐ A new power has been executed and is attached.

☒ Address all future communications to:

LYON & LYON LLP
633 West Fifth Street, 47th Floor
Los Angeles, California 90071
(213) 489-1600
Attention: Reena Kuyper

18. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.

19. CONDITIONAL PETITIONS FOR EXTENSION OF TIME IN PRIOR APPLICATION

☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

20. ABANDONMENT OF PRIOR APPLICATION

☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item 13 above.

Respectfully submitted,

LYON & LYON LLP

Dated: _____

May 24, 1999

By: _____

Reena Kuyper

Reena Kuyper
Registration No. 33,830
Attorneys for Applicants

633 West Fifth Street, Suite 4700
Los Angeles, California 90071-2066
(213) 489-1600

Enclosures